

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MICHAEL MCCARTHY, et al.,

Plaintiffs,

v.

CHARLES D. BAKER, in his Official Capacity as
Governor of the Commonwealth of Massachusetts, et al.,

Defendants.

CIVIL ACTION
NO. 1:20-cv-10701-DPW

CEDRONE, LLC d/b/a SHAWSHEEN FIREARMS, et al.,

Plaintiffs,

v.

CHARLES DUANE BAKER, in his capacity as
GOVERNOR OF THE COMMONWEALTH OF
MASSACHUSETTS, et al.,

Defendants.

CIVIL ACTION
NO. 1:20-cv-40041-DPW

**AFFIDAVIT OF JULIA KOBICK IN SUPPORT OF
DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTIONS FOR A
TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

I, Julia Kobick, hereby declare and state the following:

1. I am an Assistant Attorney General at the Massachusetts Office of the Attorney General and am a member in good standing of the Massachusetts bar. I represent the defendants in this matter.

2. I make this affidavit in support of the Defendants' Opposition to Plaintiffs' Motion for a Temporary Restraining Order and Preliminary Injunction. Unless stated otherwise, I have personal knowledge of the facts set forth herein and am competent to testify thereto.

3. Attached as Exhibit A is a true and correct copy of Charles D. Baker, Governor's Declaration of Emergency (March 10, 2020), available at <https://www.mass.gov/executive-orders/no-591-declaration-of-a-state-of-emergency-to-respond-to-covid-19>.

4. Attached as Exhibit B is a true and correct copy of Ctrs. For Disease Control and Prevention, *Interim Clinical Guidance for Management of Patients with Confirmed Coronavirus Disease (COVID-19)* (April 3, 2020), available at <https://www.cdc.gov/coronavirus/2019-ncov/hcp/clinical-guidance-management-patients.html#Asymptomatic>.

5. Attached as Exhibit C is a true and correct copy of Ctrs. For Disease Control and Prevention, *Social Distancing, Quarantine, and Isolation*, Coronavirus Disease 2019 (COVID-19) (April 17, 2020), available at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/social-distancing.html>.

6. Attached as Exhibit D is a true and correct copy of B. Jewell & N. Jewell, *The Huge Cost of Waiting to Contain the Pandemic*, N.Y. TIMES (April 14, 2020), available at <https://www.nytimes.com/2020/04/14/opinion/covid-social-distancing.html>.

7. Attached as Exhibit E is a true and correct copy of *COVID-19 State of Emergency: Updates, Emergency Orders, and Guidance Associated with the COVID-19 State of Emergency*, available at <https://www.mass.gov/info-details/covid-19-state-of-emergency>.

8. Attached as Exhibit F is a true and correct copy of Charles D. Baker, Order Temporarily Closing All Public and Private Elementary and Secondary Schools (March 15, 2020), available at <https://www.mass.gov/doc/march-16-2020-k-12-school-closing-order/download>.

9. Attached as Exhibit G is a true and correct copy of Charles D. Baker, Order Temporarily Closing All Child Care Programs and Authorizing the Temporary Creation and Operation of Emergency Child Care Programs (March 18, 2020), available at <https://www.mass.gov/doc/march-18-2020-early-education-and-care-order/download>.

10. Attached as Exhibit H is a true and correct copy of Charles D. Baker, COVID-19 Order No. 13, *Order Assuring Continued Operation of Essential Services in the Commonwealth, Closing Certain Workplaces, and Prohibiting Gatherings of More Than 10 People* (March 23, 2020), available at <https://www.mass.gov/doc/march-23-2020-essential-services-and-revised-gatherings-order/download>.

11. Attached as Exhibit I is a true and correct copy of Charles D. Baker, COVID-19 Order No. 21, *Order Extending the Closing of Certain Workplaces and the Prohibition on Gatherings of More Than 10 People* (March 31, 2020), available at <https://www.mass.gov/doc/march-31-2020-essential-services-extension-order/download>.

12. Attached as Exhibit J is a true and correct copy of COVID-19 Essential Services: Exhibit A of the Order of the Governor Assuring Continued Operation of Essential Services in the Commonwealth, Closing Certain Workplaces and Prohibiting Gatherings of More Than 10 People (as updated March 31, 2020), available at <https://www.mass.gov/doc/march-31-essential-services-list/download>.

13. Attached as Exhibit K is a true and correct copy of wbur, CommonHealth, *Latest Mass. Map and Case Count: Breaking Down Coronavirus Here in Charts* (April 11, 2020).

14. Attached as Exhibit L is a true and correct copy of Mass. Dept. of Public Health, COVID-19 Dashboard (April 27, 2020), <https://www.mass.gov/doc/covid-19-dashboard-april-27-2020/download>.

15. Attached as Exhibit M is a true and correct copy of A. Ryan et al., *Coronavirus deaths in Mass. are likely far higher than what's been reported. Here's why*, BOSTON GLOBE (April 22, 2020), available at <https://www.bostonglobe.com/2020/04/22/nation/official-toll-massachusetts-coronavirus-deaths-likely-undercounted-review-shows/>.

16. Attached as Exhibit N is a true and correct copy of In-Chambers Order Re Ex Parte Application for Temporary Restraining Order (Dkt. Nos. 9, 10), *McDougall v. Cty. of Ventura*, No. 20-cv-02927-CBM (C.D. Cal. March 31, 2020).

17. Attached as Exhibit O is a true and correct copy of [In Chambers] Order Denying Plaintiffs' Ex Parte Application for a Temporary Restraining Order (Dkt. No. 14), *Brandy v. Villanueva*, No. 20-cv-02874-AB (C.D. Cal. April 6, 2020).

18. Attached as Exhibit P is a true and correct copy of Notice of Ruling on Ex Parte Application, *Turner's Operations, Inc. v. Garcetti*, No. 20STCP01258 (Cal. Super. Ct. Apr. 15, 2020).

19. Attached as Exhibit Q is a true and correct copy of U.S. Dep't of Homeland Security, Cybersecurity & Infrastructure Security Agency, Advisory Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response (March 28, 2020).

20. Attached as Exhibit R is a true and correct copy of Charles D. Baker, COVID-19 Order No. 28, *Order Extending the Temporary Closure of All Public and Private Elementary and Secondary Schools* (April 21, 2020).

21. Attached as Exhibit S is a true and correct copy of Charles D. Baker, COVID-19 Order No. 27, *Order Extending the Temporary Closing of All Non-Emergency Child Care Programs* (April 21, 2020).

22. Attached as Exhibit T is a true and correct copy of Charles D. Baker, COVID-19 Order No. 30, *Order Further Extending the Closing of Certain Workplaces and the Prohibition on Gatherings of More than 10 People* (April 28, 2020).

23. Attached as Exhibit U is a true and correct copy of M. Stout, *As Mass. surges past 3,000 coronavirus deaths, Governor Baker weighing when, and how, to reopen state*, BOSTON GLOBE (April 27, 2020), at <https://www.bostonglobe.com/2020/04/27/nation/coronavirus-boston-massachusetts-april-27/>.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed this 28th day of April, 2020.

A handwritten signature in cursive script, reading "Julia Kobick".

Julia Kobick